

**MCKEE, VOORHEES & SEASE, PLC**  
**MCKEE, VOORHEES & SEASE, PLC**

RECEIVED

CENTRAL FAX CENTER

MAR 23 2004

## ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 • FAX: 515-288-1338 • [www.ipmvs.com](http://www.ipmvs.com)**OFFICIAL**

DATE: March 23, 2004

TO: Art Unit 1638 - MAIL STOP AF  
(ATTN: Examiner David Kruse)

COMPANY: USPTO

PHONE:

FAX: 703-872-9306

FROM: Lila A. T. Akrad

NUMBER OF PAGES (Including cover): 11

---

Attached please find the 2<sup>nd</sup> Supplemental Amendment After Final that was filed in the art unit and to Examiner Kruse per his request in the below identified application 11-14-2003 with the claims in form for allowance as suggested by Supervisory Patent Examiner Amy Nelson. Also attached are the fax confirmation receipts. A Notice of Appeal was filed 11-24-2003.

APPLICANT : NOBLE, Stephen W., Jr.  
SERIAL NO : 09/759,877  
FILED : January 12, 2001  
TITLE : HYBRID MAIZE PLANT AND SEED 34M94  
  
Grp./A.U. : 1638  
Examiner : KRUSE, David H.  
Conf. No. : 2539  
Docket No. : P04808US0 - PHI 1319

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

USPTO 11/14/2003 4:30 PM PAGE 1/001 Fax Server  
 TO:Auto-reply fax to 515288 38 COMPANY:

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 5152881338

Fax Information  
 Date Received: 11/14/2003 4:20:04 PM [Eastern Standard Time]  
 Total Pages: 9 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
 Cover  
 Page  
 ======>

11/14/03 FRI 14:17 FAX 5152881338	MCKEE VOORHEES & SEASE	1/001
<b>MCKEE VOORHEES &amp; SEASE, PLC</b> <b>MCKEE VOORHEES &amp; SEASE, PLC</b>		
ATTORNEYS AT LAW		
511 GRAND AVENUE • SUITE 200 • DES MOINES, IA 50309-2071 PHONE: 515-288-3807 • FAX: 515-288-3828 • <a href="http://www.mvs.com">www.mvs.com</a>		
<p><b>DATE:</b> November 14, 2003</p> <p><b>TO:</b> Art Unit 1638    MAIL STOP AF</p> <p><b>COMPANY:</b> USPTO</p> <p><b>PHONE:</b></p> <p><b>FAX:</b> 703-872-9307</p> <p><b>FROM:</b> Luis A. T. Alzola</p> <p><b>NUMBER OF PAGES (including cover):</b> 9</p> <hr/> <p><b>COMMENTS:</b> Please file the attached SECOND SUPPLEMENTAL AMENDMENT AFTER FINAL:</p> <p><b>APPLICANT :</b> NOBLE, Stephen W. Jr.  <b>SERIAL NO :</b> 09/159,877  <b>FILED :</b> JANUARY 12, 2001  <b>TITLE :</b> HYBRID MAIZE PLANT &amp; SEED 34M94</p> <p><b>Grp/A.U. :</b> 1638  <b>Examiner :</b> KRUSE, David H.  <b>Conf. No. :</b> 2539  <b>Docket No. :</b> P04808US0 - P011319</p>		
<p>The documents contained in this facsimile transmission contain information from the law firm of MCKEE, VOORHEES &amp; SEASE which may be confidential and/or privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, distribution, copying or retention of this document or any portion thereof is unauthorized and constitutes a violation of law. If you have received this facsimile in error, please immediately notify this firm so that we can arrange for the return of the original document to us. Thank you.</p>		

PAGE 15 \* RCV AT 11/14/2003 4:20:04 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/6 \* DMS:8729306 \* CSID:5152881338 \* DURATION (mm:ss):03:46

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0430
CONNECTION TEL	17037465068
SUBADDRESS	
CONNECTION ID	
ST. TIME	11/14 15:19
USAGE T	02'44
PGS.	9
RESULT	OK

**MCKEE VOORHEES & SEASE, PLC**  
**MCKEE VOORHEES & SEASE, PLC**

ATTORNEYS AT LAW

801 GRAND AVENUE - SUITE 3200 - DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 - FAX: 515-288-1338 - [www.ipmvs.com](http://www.ipmvs.com)

DATE: November 14, 2003

TO: Art Unit 1638  
Examiner David H. Kruse

COMPANY: USPTO

PHONE:

FAX: 703-746-5068

FROM: Lila A. T. Akrad

NUMBER OF PAGES (Including cover): 2

---

COMMENTS: Attached is a courtesy copy of PHI 1319 as previously discussed with a six-month deadline of December 2, 2003. In addition, we have submitted this to Art Unit 1638. Thank you for your time.

APPLICANT : NOBLE, Stephen W. Jr.  
SERIAL NO : 09/759,877  
FILED : JANUARY 12, 2001  
TITLE : HYBRID MAIZE PLANT & SEED 34M94  
  
Grp./A.U. : 1638  
DRAFTED BY : *[Signature]*

**OFFICIAL**  
**PATENT**

**RECEIVED**  
**CENTRAL FAX CENTER**

MAR 2 3 2004

APPLICANT : **NOBLE, Stephen W. Jr.**  
 SERIAL NO : 09/759,877  
 FILED : JANUARY 12, 2001  
 TITLE : HYBRID MAIZE PLANT & SEED 34M94

Grp./A.U. : 1638  
 Examiner : **KRUSE, David H.**  
 Conf. No. : 2539  
 Docket No. : P04808US0 - PHI 1319

**SECOND SUPPLEMENTAL  
AMENDMENT AFTER FINAL**

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

As a follow-up to Applicant's Amendment After Final filed on September 2, 2003 and Supplemental Amendment After Final filed on September 25, 2003, in response to the communication from the Examiner dated June 2, 2003, a Final Rejection and in response to the Advisory Action of October 17, 2003, it is respectfully requested that this Second Supplemental Amendment After Final be entered and made of record. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

**Introductory Comments**

Claims 1-8, 20, 33, and 42-62 are pending in the present application.

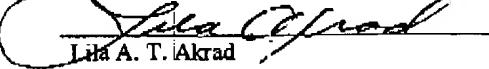
**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

MAILING  
 deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop AF, Alexandria, VA 22313-1450.

FACSIMILE  
 transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9307.

Date: 11/14/2003

  
Lila A. T. Akrad